

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MASIMO CORPORATION,
Patent Owner

IPR2022-01465
Patent 10,687,745

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner's Sur-reply of October 2, 2023.

Evidence	Objections
Exhibit 2100	<p>Petitioner objects to the admissibility of Exhibit 2100 under FRE 702 and 703, because it contains opinions that are conclusory, do not disclose supporting facts or data, are based on unreliable facts, data, or methods, and/or include testimony outside the scope of Dr. Duckworth's specialized knowledge (to the extent he has any such knowledge) that will not assist the trier of fact. For example, ¶¶ 9, 17, 19, 20, 23, 26, 28, 32, 33, 48, 49, 64, and 69-71 of Dr. Duckworth's declaration consist of a series of conclusory statements and arguments that are presented without citation to evidence of record.</p> <p>Petitioner further objects to the admissibility of Exhibit 2100 under FRE 702-703 and 802 because it includes statements that constitute inadmissible hearsay. For example, ¶¶ 32, 44, 51, 57, 64, and 81-95 of Dr. Duckworth's declaration include statements based on statements made outside of this proceeding. The statements are offered for the truth of the matter asserted, and the statements are not the product of reliable principles or methods.</p>

For at least these reasons, Petitioner objects to Exhibit **2100** and reserves the right to move to exclude this exhibit as inadmissible.

Respectfully submitted,

Dated: 10/10/2023

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.8(b), the undersigned certifies that on October 10, 2023, a complete and entire copy of this Petitioner's Objections to Evidence were provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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